

### **REMARKS**

Claims 8-24 and 28-30 were pending in the application. Claims 1-7 and 25-27 were cancelled in a previous amendment. In the above amendments, claims 8, 11-13, 15, 16, 18, 20 and 28 are amended. Claims 14 and 19 are cancelled without prejudice or disclaimer. The amendments are fully supported in the specification, so no new matter is added. Therefore, after entry of the above amendments, claims 8-13, 15-18, 20-24 and 28-30 are now pending for reconsideration. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

Applicants respectfully submit that the present amendment is proper After Final since it clearly places the application in condition for allowance.

### **Summary of the Office Action**

In the Office Action, claims 12, 13, 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,421,527 to DeMartin *et al.* (DeMartin) in view of U.S. Patent No. 5,216,692 to Ling (“Ling”). Claims 8-11, 15-17, 20-21, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,905,742 to Chennakeshu *et al.* (“Chennakeshu”) in view of U.S. Patent Application Publication No. 2003/0002518 to Shibutani (“Shibutani”) further in view of Ling. Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0072395 to Jia *et al.* (“Jia”) in view of Chennakeshu further in view of Ling.

Additionally, the Examiner objects to claims 14, 19, 22, 24, and 30 as being dependent upon a rejected base claim, but indicates that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for indicating that claims 14, 19, 22, 24, and 30 would be allowable if rewritten in independent form. The rejections and objections are respectfully traversed in light of the foregoing amendments and the following remarks.

### **Response to Rejections of Claims 12, 13, 28, and 29 and Objection to Claim 14**

As stated above, the Examiner indicated that claim 14 would be allowable if re-written in independent form including all of the limitation of the base claim and any intervening claims. Claim 14 depends directly from claim 13. So to rewrite claim 14 in independent form, Applicants amend independent claim 13 to recite all of the features of claim 14 which is

cancelled. Therefore, Applicants respectfully request withdrawal of the rejection of claim 13 under 35 U.S.C. § 103(a).

Applicants have also amended independent claims 12 and 28 to recite the features of claim 14. In particular, claim 12 is amended to now recite, *inter alia*, “receive circuitry operative to receive signals on a reverse link, including a quality message with a parity check *at a first rate*, and differential indicators *at a second rate*, the quality message periodically providing a quality metric of a forward link, wherein the differential indicators track the quality metric between successive quality messages.” (Emphasis added). Similarly, claim 28 is amended to recite, *inter alia*, “determining *a first transmission rate* for transmission of quality messages and *a second transmission rate* for transmission of differential indicators based on the comparison; transmitting quality messages *at the first transmission rate*; and transmitting differential indicators *at the second transmission rate* independently of quality messages features.” For at least the same reasons that claim 13 (which is allowable claim 14 in independent form) is allowable, Applicants respectfully submit that claims 12 and 28 are also allowable. Applicants further submit that dependent claim 29 is allowable for depending from allowable claim 28. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 12, 28 and 29 under 35 U.S.C. § 103(a).

### **Response to Rejection of Claims 8-11, 15-17, 20, 21, and 23**

Similar to claims 12, 13, 28, and 29 discussed above, Applicants amend independent claims 8, 11, 15, 16, and 20 to also recite the features of objected to but allowable claim 14. In particular each of independent claims 8, 11, 15, 16, and 20 are amended to recite the features of determining a first transmission rate for the transmission of quality messages and a second transmission rate for the transmission of differential indicators. For at least the same reasons that claim 14 is indicated as being allowable, Applicants respectfully submit that amended claims 8, 11, 15, 16, and 20 are also allowable. Applicants further submit that claims 9, 10, 17, 21, and 23 are allowable for depending from an allowable claim, i.e., one of claims 8, 16, 20, and 11. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 8-11, 15-17, 20, 21, and 23 under 35 U.S.C. § 103(a).

**Response to Rejection of Claim 18 and Objection to Claim 19**

As stated above, the Examiner indicated that claim 19 would be allowable if re-written in independent form including all of the limitation of the base claim and any intervening claims. Claim 19 depends directly from claim 18. Applicants amend independent claim 18 to recite all of the features of claim 19, effectively rewriting allowable claim 19 in independent form, claim 19 is cancelled. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 18 under 35 U.S.C. § 103(a).

CONCLUSION

Applicants respectfully request entry and consideration of the amendments since the foregoing amendments implement the Examiner's suggestion to rewrite allowable claims in independent form to place all pending claims in condition for allowance and no further examination is required. Accordingly, reconsideration and allowance of the present application are respectfully requested. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

If it is determined that additional fees are due, the Commissioner is hereby authorized to charge payment of any fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 17-0026. If necessary, Applicants request, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a).

Respectfully submitted,

Dated: October 30, 2009

By:   
Jeffrey Jacobs  
Reg. No. 40,029

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-2426  
Facsimile: (858) 658-2502